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Nuclear

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October 5, 2001

Carol Hanlon
U. S. Department of Energy
Yucca Mountain Site Characterization Office
Mail Stop #025
P. O. Box 30307
North Las Vegas, Nevada 89036-0307

Subject: Response to Request for Comments on the Preliminary Site Suitability
Evaluation and Suggested Topics for Public Comment on Yucca Mountain

References: (1) Volume 66, Federal Register, Page 43850 (66 FR 43850), dated
August 21, 2001

(2) Volume 66, Federal Register, Page 45845 (66 FR 43850), dated
August 30, 2001

(3) Nuclear Energy Institute letter, "Comments on the Possible Site
Recommendation for Yucca Mountain (66 Fed. Reg. 23,013 – May 7,
2001, 66 Fed. Reg. 43,851 – August 21, 2001 and 66 Fed. Reg. 45,845
– August 30, 2001)," dated September 25, 2001

Exelon Generation Company (EGC), LLC appreciates the opportunity to comment to the Department of Energy (DOE) on the possible site recommendations for Yucca Mountain. This letter provides EGC's comments in response to References 1 and 2. EGC has been actively involved with the Nuclear Energy Institute (NEI) on this issue and fully endorses the industry comments submitted by the NEI in Reference 3.

EGC wishes to convey our strong support for a decision by the Secretary of Energy to recommend the development of Yucca Mountain as a geologic repository for spent nuclear fuel and high-level radioactive waste.

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Specific Comments

EGC's has forty years of commercial nuclear operation including the management, storage and transportation of new and spent nuclear fuel and radioactive waste. We safely store spent fuel in storage pools at all of our sites and in dry storage systems at several of our sites. We have safely made spent fuel shipments to and from two of our sites. Our experience handling, storing and transporting spent fuel are similar to those proposed for the Yucca Mountain design. The management of spent fuel is routinely performed in a manner that protects public health and safety. Currently available handling, storage and transportation technologies are robust and dependable.

More than twenty years ago an Interagency Review Group comprised of fourteen federal agencies concluded a geologic repository is the solution for spent fuel and high level radioactive waste disposal. This consensus was reflected in the 1982 Nuclear Waste Policy Act and was affirmed in the 1987 amendments which selected Yucca Mountain as the best candidate for continued evaluation. Scientists, engineers and legislators have endorsed the science surrounding the concept of geologic disposal. The science now supports the selection of Yucca Mountain as the geological repository.

The Preliminary Site Suitability Evaluation (PSSE) and its underlying reports provide a comprehensive evaluation of the Yucca Mountain site. The PSSE and its companion documents find conclusively that disposal at Yucca Mountain is scientifically sound. We urge the Secretary to move forward with his recommendation of the Yucca Mountain site to the President.

DOE's Suggested Topics for Public Comment on Yucca Mountain

1. Please provide your views concerning whether the Yucca Mountain Preliminary Site Suitability Evaluation (PSSE) and other scientific documents produced by the Department provide an adequate basis for finding that the Yucca Mountain site is suitable for development of a repository. If you believe that certain aspects of the PSSE are inadequate, please detail the basis for this belief and indicate how the documentation might be made adequate with respect to these aspects.

The PSSE and associated scientific documents provide a robust study of Yucca Mountain, its environs, and projection of its performance as a repository for spent nuclear fuel and high level waste. We conclude this body of expert work provides a thorough and methodical basis for supporting the development of a repository at Yucca Mountain.

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2. If the Secretary determines that the scientific analysis indicates that the Yucca Mountain site is likely to meet the applicable radiation protection standards established by the Environmental Protection Agency (EPA) and Nuclear Regulatory Commission (NRC), do you believe that the Secretary should proceed to recommend the site to the President at this time? If not, please explain.

Yes. The Secretary's determination of the Yucca Mountain site's ability to meet EPA and NRC standards is sufficient evidence for the Secretary to make an immediate recommendation to the President, to proceed with the development of the site. We believe the robust analyses developed by the DOE have reached sufficient maturity for the President to be able to develop an informed determination.

3. Are there any reasons that you believe should prevent the President from concluding that the Yucca Mountain site is qualified for the preparation and submission of a construction license application to the Nuclear Regulatory Commission?

No. We believe the information gathered and analyzed to date will provide the President sufficient evidence that the Yucca Mountain site is qualified, and ready, for submission of a construction license application to the NRC.

4. If you believe that the Secretary should not proceed with a recommendation to develop a repository at Yucca Mountain, what mechanism should be utilized to meet the Department's legal obligation to begin accepting spent nuclear fuel and high level radioactive waste?

We believe the Secretary should proceed with a recommendation to develop a repository at Yucca Mountain.

5. If you believe that the Secretary should not proceed with a recommendation to develop a repository at Yucca Mountain, what measures should the Nation consider for assuring safe disposal of spent nuclear fuel and high level waste?

We previously stated it has been two decades since an Interagency Review Group with fourteen federal agencies concluded a geologic repository was the solution for spent fuel and high level radioactive waste disposal. The National Academy of Sciences has recently affirmed this conclusion stating that geologic disposal is the only "scientifically and technically credible solution." We believe an appropriate measure for assuring the safe disposal of spent nuclear fuel and high level waste, is a geologic repository. The scientific evidence concludes Yucca Mountain meets or exceeds the criteria for this type of facility.

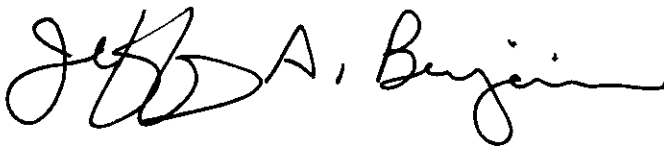
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6. Please provide any other comments concerning any relevant aspect of the Yucca Mountain site for use as a repository, or that are otherwise relevant to the consideration of a possible recommendation by the Secretary.

Exelon has provided additional comments above.

We sincerely appreciate this opportunity to comment. If you have any questions or require additional information, please contact me at 630-657-2809.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey A. Benjamin". The signature is fluid and cursive, with the first name "Jeffrey" being more prominent and stylized than the last name "Benjamin".

Jeffrey A. Benjamin
Vice President
Licensing & Regulatory Affairs